

RESOLUTION NO. ___ - R - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; INCORPORATING RECITALS; PROVIDING A FINDING THAT CHAPTER 336, FLORIDA STATUTES, AUTHORIZES AND EMPOWERS THE BOARD TO ACT ON THE PETITION TO VACATE, ABANDON, DISCONTINUE AND CLOSE CERTAIN ROADS AND TO RENOUNCE AND DISCLAIM ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SUCH ROADS; PROVIDING A FINDING THAT SUCH ROADS ARE NOT A PORTION OF FEDERAL OR STATE HIGHWAY SYSTEM; PROVIDING A FINDING THAT THE ROADS ARE NOT BEING USED BY THE GENERAL PUBLIC AS ROADS; PROVIDING A FINDING THAT IT IS NOT THE INTENT OF THE BOARD TO VACATE ANY EASEMENTS FOR PUBLIC UTILITIES THAT MAY EXIST WITHIN SUCH ROADS OR EASEMENTS BEING SIMULTANEOUSLY GRANTED WITHIN SUCH ROADS; PROVIDING A FINDING THAT VACATING, ABANDONING, DISCONTINUING, AND CLOSING SUCH ROADS AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SUCH ROADS WOULD BENEFIT THE GENERAL PUBLIC WELFARE AND WOULD BE IN THE BEST INTEREST OF THE PUBLIC; VACATING, ABANDONING, DISCONTINUING, AND CLOSING SUCH ROADS; RENOUNCING AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SUCH ROADS; CONVEYING SUCH ROADS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bahia Oaks, Inc. ("Bahia Oaks") and Dirk J. Leeward and Kent A. Leeward, as Co-Personal Representatives of the Estate of James K. Leeward (the "Personal Representatives") (Bahia Oaks and Personal Representatives collectively "Petitioner"), petitioned to vacate, abandon, discontinue and close those certain roads described in, and marked with crosshatching on, **Exhibit A** hereto (the "Roads") and to renounce and disclaim any rights and obligations of the County and the public in any land in connection therewith pursuant to the provisions of Chapter 336, Florida Statutes (the "Petition"); and

WHEREAS, following their filing of the Petition, Petitioners conveyed a portion of the property they owned contiguous to the Roads to Ocala Properties MGR, LLC, a Delaware limited liability company ("Ocala Properties"); and

WHEREAS, the Development Review Committee has reviewed the Petition and has recommended approval subject to Bahia Oaks and Ocala Properties granting certain easements; and

WHEREAS, a Notice of Public Hearing was published in a newspaper of general circulation, as required by Chapter 336, Florida Statutes, all persons through such notice were invited to appear and comment; and

WHEREAS, Bahia Oaks and Ocala Properties have executed and delivered a Declaration Granting Easements to County granting the easements required by the Development Review Committee, which Declaration Granting Easements will be recorded upon approval of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, THAT:

SECTION 1. RECITALS. The above recitals are hereby incorporated as a basis for the passage of this Resolution.

SECTION 2. FINDINGS. The Board of County Commissioners of Marion County, Florida, after due consideration, makes the following findings:

- A. Pursuant to Chapter 336, Florida Statutes, the Board is authorized and empowered to act on the Petition and to vacate, abandon, discontinue and close the Roads described on **Exhibit A**, and to renounce and disclaim any rights and obligations of Marion County and the public in and to any land in connection therewith;
- B. The Roads described on **Exhibit A** do not constitute a portion of Federal or State highway system;
- C. The Roads described on **Exhibit A** are not being used by the general public as roads;
- D. It is not the intent of the Board to vacate any easements for public utilities that may exist within the Roads;
- E. It is not the intent of the Board to vacate any easements conveyed to County, the public or other entities pursuant to the Declaration Granting Easements; and
- F. Vacating, abandoning, discontinuing, and closing the Roads described on **Exhibit A** and renouncing and disclaiming any rights and obligations of Marion County and the public in and to any land in connection therewith, would benefit the general public welfare and would be in the best interest of the public.

SECTION 3. APPROVAL. The Board of County Commissioners of Marion County, Florida, does hereby:

- A. Vacate, abandon, discontinue and close the Roads described in **Exhibit A** hereto, in accordance with Chapter 336, Florida Statutes.
- B. Expressly reserves any recorded easements for public utilities currently located within the Roads, and the easements granted pursuant to the Declaration Granting Easements.
- C. Subject to the reservation described in Section 3.B. above, County does hereby renounce and disclaim any rights and obligations that it and the public have in and to any land in connection with the Roads described in **Exhibit A** hereto, and in accordance with Chapter 336, Florida Statutes, does hereby quit claim and conveys any such rights to:

1. Bahia Oaks as to the portion of the Roads described in, and marked with crosshatching on, the attached **Exhibit B**.
2. Ocala Properties the portion of Roads described in, and marked with crosshatching on, the attached **Exhibit C**.

SECTION 4. SEVERABILITY. The provisions of this Resolution are severable. If any word, sentence, clause, phrase or provision of this Resolution for any reason is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 5. CONFLICT. All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

SECTION 6. EFFECTIVE DATE. That this Resolution shall take effect immediately upon passage.

DULY ADOPTED by the Board of County Commissioners of Marion County, Florida, on the ____ day of February, 2024.

COUNTY

MARION COUNTY, FLORIDA, a political subdivision of the State of Florida, by its Board of County Commissioners

By: _____
Michelle Stone as Chair

ATTEST:

Gregory C. Harrell, Clerk of Court and Comptroller

For use and reliance of Marion County only, approved as to form and legal sufficiency:

Matthew Guy Minter, County Attorney

EXHIBIT B
PORTION OF ROADS CONVEYED TO BAHIA OAKS

All of SW 60th Road and SW 60th Court according to the plat of Bahia Oaks Unit No. Four as recorded in Plat Book L, Page 70, Public Records of Marion County, Florida.

LESS AND EXCEPT:

A PARCEL OF LAND BEING A PORTION OF SW 60TH COURT IN BAHIA OAKS, UNIT NO. FOUR, ACCORDING TO THE PLAT THERE OF, AS RECORDED IN PLAT BOOK L, PAGE 70 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK STAMPED "GPI SOUTHEAST LB 7560" MARKING THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 21 EAST OF SAID COUNTY, THENCE NORTH 89°58'48" WEST, ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 330.53 FEET TO THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 8 WITH THE CENTERLINE OF SW 60TH COURT (AS SHOWN ON THE PLAT OF AFOREMENTIONED BAHIA OAKS UNIT 4, AND BAHIA OAKS, UNIT 3, AS RECORDED IN PLAT BOOK L, PAGE 67 OF SAID PUBLIC RECORDS AND HAVING A RIGHT OF WAY WIDTH OF 50 FEET); THENCE DEPARTING THE NORTH LINE OF SAID SECTION 8, SOUTH 0°01'12" WEST, ALONG THE CENTERLINE OF SAID SW 60TH COURT, A DISTANCE OF 195.78 FEET TO THE INTERSECTION OF THE CENTERLINE OF SAID SW 60TH COURT WITH THE CENTERLINE OF SW 64TH STREET (AS SHOWN ON THE PLAT OF SAID BAHIA OAKS UNIT 4 AND HAVING A RIGHT OF WAY WIDTH OF 60 FEET); THENCE CONTINUE ALONG THE CENTERLINE OF SAID SW 60TH COURT, SOUTH 3°32'13" WEST, A DISTANCE OF 30.06 FEET TO THE INTERSECTION OF THE CENTERLINE OF SAID SW 60TH COURT WITH THE SOUTH RIGHT OF WAY LINE OF SAID SW 64TH STREET; THENCE DEPARTING THE CENTERLINE OF SAID SW 60TH COURT, SOUTH 89°58'48" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 50.04 FEET TO THE INTERSECTION OF THE SAID SOUTH RIGHT OF WAY LINE WITH THE EAST RIGHT OF WAY LINE OF SAID SW 60TH COURT AND TO THE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 26.58 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 46°46'43" WEST, 36.42 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 86°28'59", AN ARC LENGTH OF 40.12 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, SOUTH 3°32'13" WEST, A DISTANCE OF 475.93 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, NORTH 89°58'48" WEST, A DISTANCE OF 50.09 FEET TO THE WEST RIGHT OF WAY LINE OF SAID SW 60TH COURT; THENCE NORTH 3°32'13" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 475.92 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 23.51 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 43°13'17" WEST, 34.25 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WEST RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 93°31'01", AN ARC LENGTH OF 38.37 FEET TO THE SOUTH RIGHT OF WAY OF AFOREMENTIONED SW 64TH STREET; THENCE DEPARTING SAID WEST RIGHT

EXHIBIT C
PORTION OF ROADS CONVEYED TO OCALA PROPERTIES

A PARCEL OF LAND BEING A PORTION OF SW 60TH COURT IN BAHIA OAKS, UNIT NO. FOUR, ACCORDING TO THE PLAT THERE OF, AS RECORDED IN PLAT BOOK L, PAGE 70 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK STAMPED "GPI SOUTHEAST LB 7560" MARKING THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 16 SOUTH, RANGE 21 EAST OF SAID COUNTY, THENCE NORTH 89°58'48" WEST, ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 330.53 FEET TO THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 8 WITH THE CENTERLINE OF SW 60TH COURT (AS SHOWN ON THE PLAT OF AFOREMENTIONED BAHIA OAKS UNIT 4, AND BAHIA OAKS, UNIT 3, AS RECORDED IN PLAT BOOK L, PAGE 67 OF SAID PUBLIC RECORDS AND HAVING A RIGHT OF WAY WIDTH OF 50 FEET); THENCE DEPARTING THE NORTH LINE OF SAID SECTION 8, SOUTH 0°01'12" WEST, ALONG THE CENTERLINE OF SAID SW 60TH COURT, A DISTANCE OF 195.78 FEET TO THE INTERSECTION OF THE CENTERLINE OF SAID SW 60TH COURT WITH THE CENTERLINE OF SW 64TH STREET (AS SHOWN ON THE PLAT OF SAID BAHIA OAKS UNIT 4 AND HAVING A RIGHT OF WAY WIDTH OF 60 FEET); THENCE CONTINUE ALONG THE CENTERLINE OF SAID SW 60TH COURT, SOUTH 3°32'13" WEST, A DISTANCE OF 30.06 FEET TO THE INTERSECTION OF THE CENTERLINE OF SAID SW 60TH COURT WITH THE SOUTH RIGHT OF WAY LINE OF SAID SW 64TH STREET; THENCE DEPARTING THE CENTERLINE OF SAID SW 60TH COURT, SOUTH 89°58'48" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 50.04 FEET TO THE INTERSECTION OF THE SAID SOUTH RIGHT OF WAY LINE WITH THE EAST RIGHT OF WAY LINE OF SAID SW 60TH COURT AND TO THE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 26.58 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 46°46'43" WEST, 36.42 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 86°28'59", AN ARC LENGTH OF 40.12 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, SOUTH 3°32'13" WEST, A DISTANCE OF 475.93 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, NORTH 89°58'48" WEST, A DISTANCE OF 50.09 FEET TO THE WEST RIGHT OF WAY LINE OF SAID SW 60TH COURT; THENCE NORTH 3°32'13" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 475.92 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 23.51 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 43°13'17" WEST, 34.25 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WEST RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 93°31'01", AN ARC LENGTH OF 38.37 FEET TO THE SOUTH RIGHT OF WAY OF AFOREMENTIONED SW 64TH STREET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE, AND ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 89°58'48" EAST, A DISTANCE OF 100.09 FEET TO THE POINT OF BEGINNING.

